

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CYNTHIA THOMPSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-12-645-HE
)	
JOHN NANCE, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, a state prisoner appearing *pro se* has filed this civil rights action pursuant to 42 U.S.C. §1983 alleging violations of her constitutional rights. The matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U. S. C. §636(b)(1)(B). By order dated June 12, 2012, the undersigned noted that Plaintiff's filing was deficient and advised Plaintiff that in order for her action to proceed, she must cure the deficiencies by July 3, 2012. Plaintiff was advised in the order that failure to comply with the order could result in the dismissal of her action.

A review of the court file reveals that as of this date Plaintiff has not responded to this court's Order. She has not cured the deficiencies, shown good cause for her failure to do so, or requested an extension of time to comply with the order. The undersigned finds that Plaintiff's failure to comply with this court's Order together with the court's right and responsibility to manage and control its case load, warrants dismissal of this action without prejudice. *See Nasious v. Two Unknown B.I.C.E. Agents at Arapahoe County Justice Center,*

492 F.3d 1158, 1161 n. 2, 1162 (10th Cir. 2007) (sua sponte dismissal for failure to comply with court's order permitted under federal rule, and court need not follow any particular procedures in dismissing action without prejudice for failure to comply).

RECOMMENDATION

Therefore, it is the recommendation of the undersigned that Plaintiff's action be dismissed without prejudice to refiling. Any objection to this Report and Recommendation must be filed with the Clerk of this Court on or before the 30th day of July, 2012, in accordance with 28 U. S. C. §636 and Federal Rule of Civil Procedure 72. Failure to make a timely objection to this Report and Recommendation waives the right to appellate review of both the factual findings and the legal issues decided herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the Magistrate Judge in the captioned matter.

ENTERED this 10th day of July, 2012.



BANA ROBERTS
UNITED STATES MAGISTRATE JUDGE